



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
DEBORAH E. PRECIL, LPN	:	
License # 26NP06568400	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Deborah E. Precil ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all times relevant hereto.

2. In June 2012, Respondent submitted an application for licensure as a Registered Nurse (RN) in the State of Washington. As part of her application, Respondent stated that she had an RN license in Guam. In October 2012, the Washington State Department of Health Nursing Care Quality Assurance Commission

(Commission) denied Respondent's application after verification from the Guam Board of Nurse Examiners that Respondent did not have a license as a RN in Guam and that Respondent's application had been fraudulently submitted. The Commission denied the application on the grounds that Respondent did not hold a RN credential and engaged in unprofessional conduct by fraudulently submitting the application.

3. On or about May 14, 2013, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application. Further, Respondent answered "No" to the question which asked whether she had been the subject of any action taken by a licensing authority.

4. On June 2, 2014, the Board sent Respondent a Demand for Written Statement Under Oath (DSUO) seeking information and documents regarding Respondent's application to Washington, Respondent's nursing practice, and continuing education from June 1, 2011 onward. The DSUO was mailed via regular and certified mail. The regular mailing was not returned. The

United States Postal Service track and confirm system indicates that the certified mail was delivered to Respondent's address of record on June 5, 2014. The Board received no response.

5. On or about April 24, 2015, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 to May 31, 2015. Respondent answered "Yes" and certified that answer by submitting the online application.

CONCLUSIONS OF LAW

The Board finds that Respondent's application to Washington seeking endorsement of a RN license from Guam which was fraudulent and did not exist constitutes the use or employment of dishonesty, fraud, deception, and misrepresentation subjecting Respondent to discipline pursuant to N.J.S.A. 45:1-21(b). The Board finds that Respondent has also attempted to obtain a license through fraud, deception, and misrepresentation within the intendment of N.J.S.A. 45:1-21(a).

Respondent's failure to respond to the DSUO constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e)

and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the DSUO, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information and failing to disclose that another licensing authority had taken action against her constitute violations of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on August 27, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$8,250 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Precil replied to the Provisional Order through her attorney. She maintains that she herself was a victim in connection with the submission of false documentation to the State of Washington, defrauded by a person calling herself Victoria Inwang, whose telephone number she was given by a friend. Supposedly, Ms. Inwang was in charge of a school in Nigeria, and Ms. Precil believed that Ms. Inwang was going to aid her in preparing for the examination to become an R.N. Although Ms. Precil claimed that she was "suspicious" after

contacting Ms. Inwang, she gave Ms. Inwang detailed background information about herself, and wired her \$10,000. Ms. Precil claims she began taking courses through Ms. Inwang's program, supposedly an R.N. bridge program (that is, a program through which L.P.N.s obtain credentials to become R.N.s). Ms. Precil wired the \$10,000 to Ms. Inwang in May of 2012,¹ and maintains that she realized she had been defrauded in October of 2012 when she apparently was sent the Notice of Decision on Application from Washington State's Department of Health, advising that her application to be credentialed as a registered nurse had been denied. Ms. Precil is adamant that although the application for licensure submitted to Washington State apparently indicated that she was licensed as an R.N. in Guam, she does not even know where Guam is located.

Although Ms. Precil was instructed in the Provisional Order to supply "any and all" documents or other written evidence supporting her arguments for modification or dismissal, the Board finds that the material that Ms. Precil did not submit speaks volumes. She submitted no transcripts or documents indicating enrollment in or completion of any courses one would take to obtain an R.N. credential, nor did she submit any

¹ Her certification cites dates of May 22, 2012 and May 29, 2015; this latter is surely in error, as the supporting statements are both dated 2012.

diploma indicating she graduated from any accredited R.N. program.

With respect to the provisional findings and conclusions, Ms. Precil has still not fully responded to the June 2, 2014 letter of inquiry, as she responded to only question #9 (and provided, with regard to that question, her inadequate response). Moreover she has not provided documentation of completion of required continuing education for the 2011-2013 licensing cycle. The Board has determined that on that basis alone, Ms. Precil's nursing license should be suspended until she has fully responded to the Board's inquiry; a \$500 civil penalty for failure to cooperate with a Board investigation is warranted; as is the \$250 penalty for failure to demonstrate timely completion of required continuing education. In addition, a reprimand for misrepresentation on her 2013 renewal application with respect to the completion of required continuing education is warranted.

The principal matter addressed in the Provisional Order is the denial of respondent's application for licensure as an R.N. by the State of Washington because of professional misconduct, i.e., the fraudulent submission of an application for licensure as an R.N., claiming to have an existing R.N. license in Guam. Ms. Precil's assertion that she was not responsible for the

submission of that application is utterly lacking in credibility.

If Ms. Precil indeed realized in October of 2012 that she had been defrauded out of \$10,000, as she states, her actions do not demonstrate any appropriate response. She claims she put the matter in the hands of an attorney, Richard West, although she shows no documentation of this, or of any payment to Mr. West. She did not immediately notify the Board that any action had been taken against her, as required by N.J.A.C. 13:37-5.9. On her 2013 renewal application, she responded "no" in response to the question about actions taken against her in any other jurisdictions. In fact, although the letter from Washington issued in October of 2012, apparently she didn't attempt to recoup her \$10,000, or further pursue the status of her license, until August of 2015, when the Provisional Order of Discipline issued ("When I was . . . served with these documents. . . I realized that Mr. West did not perform the duties that I had retained him to perform"). This attitude does not appear credible in a fraud victim who would want to clear her reputation, if not to recover her \$10,000.

It strains credulity that Ms. Precil, in the face of the finding by the State of Washington that she attempted to obtain licensure by fraud, should seek to characterize herself as a

victim. She admits she wanted to be licensed as an R.N., but shows no enrollment forms, no transcripts, no courses that she took to further that goal. Surely any nurse is aware that educational credentials are required to become an R.N. Ms. Inwang in Nigeria may well have sought Ms. Precil's money, but she had no personal motive to submit an application in Ms. Precil's name to the State of Washington. Clearly, Ms. Precil has been caught by the State of Washington in a blatant attempt to buy an R.N. license for \$10,000 without even taking the R.N. examination, as she was seeking licensure by endorsement. Had Ms. Precil's attempt succeeded, she would have certainly been able to seek licensure by endorsement in New Jersey, her state of residence, using the Washington R.N. license as a basis.

Ms. Precil demands a "full hearing." However, she was advised in the Provisional Order to submit "any and all" documents or written evidence. Her failure to submit any transcripts, enrollment forms, diplomas, letters to the Washington Board explaining her conduct, or letters to Mr. West and documentation of payment to him, leads the Board to conclude that this material does not exist. Respondent has provided proof of payment to Ms. Inwang and her sworn statement, but she has given the Board no basis upon which to give credence to her sworn statement. The Board can only conclude, based upon the

extraordinary conduct of sending \$10,000 to a stranger in Nigeria, that the relationship between Ms. Inwang and Ms. Precil was one of collusion, as otherwise Ms. Inwang derives no benefit by submitting a fraudulent application in Ms. Precil's name.

Had this scheme succeeded, Ms. Precil would have been granted an R.N. license by Washington, although she had neither the knowledge nor the skill to practice as an R.N., caring for vulnerable and unsuspecting patients. Again, she could have parleyed a Washington license into licensure by endorsement in New Jersey and then worked as an R.N. in the state without ever having undergone the appropriate education and training, and without ever being required to take the R.N. examination.

The Board finds that Ms. Precil's conduct conforms to the behavior pattern of other licensees who have sought to pay large sums to obtain licensure by fraudulent means, and then claimed to be a victim of fraud themselves when they are caught. Ms. Precil has provided virtually nothing except her unsupported narrative to demonstrate her bona fides in this matter. Thus the Board finds that respondent engaged in fraudulent and deceptive conduct, which warrants the three year suspension of her nursing license, as well as the \$7,500 civil penalty set forth in the Provisional Order.

ACCORDINGLY, IT IS on this 17th day of February, 2016,

ORDERED that:

1. Respondent's license to practice as a licensed practical nurse is suspended for a minimum of three years and until further Board Order and such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the DSUO and proof of completion of thirty hours of continuing education for each biennial renewal period from June 1, 2011 to the time of reinstatement.

2. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application and failing to disclose that she had been the subject of action taken by another licensing authority.

3. Respondent is assessed a civil penalty in the amount of eight thousand, two hundred and fifty dollars (\$8250). Said penalty is an aggregate penalty, which includes a penalty in the amount of seven thousand five hundred dollars (\$7500) for the fraudulent conduct, five hundred dollars (\$500) for failure to cooperate with a Board investigation, and two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing,

Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law. The Board will not accept any petition for reinstatement until the within civil penalty has been paid in full.

4. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN
Board President